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Guam

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I. General

1. Guam[1] is the southernmost and largest of the Mariana Islands in the Pacific, situated about 1,350 miles south of Tokyo and 3,300 miles west of Honolulu. It consists of a single island of approximately 212 square miles. It is composed of two distinct geological areas of about equal size. The northern part of the island is a high coralline limestone plateau and contains the northern water lens, capable of supplying plenty of fresh water. The southern region is mountainous. Apra Harbour, which is located on the central western side of the island, is one of the largest protected harbours in the Pacific and is considered to be the finest deep water port between Hawaii and the Philippines. The capital city is Agana.

2. The population of Guam was estimated by the United States Bureau of the Census in mid-1997 to be 146,328, with a growth rate of 1.9 per cent.[2] The ethnic and racial composition of Guam's population is 47 per cent Chamorro, 25 per cent Filipino, 10 per cent white and 18 percent Chinese, Japanese, Korean and other groups.[3]

II. Constitutional and political developments

A. General

3. The United States Congress enacted the Guam Organic Act in 1950, which established institutions of local government and made Guam an organized Territory. Guam is an unincorporated Territory, since not all provisions of the United States Constitution apply to the island. The Territory is administered by the Department of the Interior.

4. Guam has a locally elected government.[3] It comprises separate executive, legislative and judicial branches. Universal suffrage with respect to local elections applies to Guamanians 18 years and older. As Guamanians are nationals rather than citizens of the United States, they are not eligible to vote in the United States presidential elections while resident in the Territory. The people of Guam elect a Governor, who serves a four-year term. The island elected its first Governor in 1970. The Governor is responsible for the general supervision and control of the executive branch and submits an annual report to the Secretary of the Interior for transmission to Congress. The Governor may issue executive orders and regulations, recommend bills to the Legislature, make his views known to that body and veto legislation.

5. The people also elect 21 senators who serve two-year terms in a unicameral Legislature. The Legislature may override the Governor's veto. Under the Organic Act of 1950, the United States Congress reserves the authority to annul any law enacted by the Guam Legislature.

6. In 1972, a new law gave Guam one delegate to the United States House of Representatives. The Delegate may vote in committee but not on the floor of the House. The non-voting delegate to the United States Congress also serves a two-year term.

7. The local judicial system is made up of a Superior Court and a Supreme Court led by judges appointed by the Governor. Local judges are subject to confirmation by the voters every six years. The United States District Court for Guam is headed by a District Court Judge appointed by the President of the United States.

B. Political parties and elections

8. The two political parties are the Republican Party, led by Joseph Ada, and the Democratic Party of the Governor, Carl T. C. Gutierrez. The Lieutenant-Governor is Madeleine Bordallo. The last election was held in November 1998, and Governor Gutierrez was re-elected. However, the results were contested over voting discrepancies and claims that Mr. Gutierrez failed to garner the 50-per-cent-plus-one majority required under the Organic Act. On 19 April 1999, the Ninth Circuit Court of Appeals upheld an earlier ruling that Guam voters deserved a run-off election because Governor Gutierrez had failed to get the required majority of votes.

C. Constitutional status and developments

9. Two referendums have been held on the island's status, in 1976 and in 1982.[4] In August 1987, in a referendum on the provisions of a draft law aimed at conferring the status of Commonwealth on the Territory, voters approved the central proposal, but rejected articles empowering the Government of Guam to restrict immigration and granting the indigenous Chamorro people the right to determine the island's future political status. In a further referendum in November 1987, both outstanding provisions were approved. Negotiations between the Guam Commission for Self-Determination and the United States continued throughout 1988 and 1989. The Commission also raised the question of military bases on the island, in particular the United States Naval Air Station, which, in its view, should be returned to civilian use.

10. As a consequence of the implementation of separate Compact of Free Association agreements between the United States and the Federated States of Micronesia, the Republic of the Marshall Islands and the Republic of Palau, since 1986, migrants from those three Pacific island nations have freely associated with the United States, and their American-born children have settled in Guam, Hawaii and the Commonwealth of the Northern Mariana Islands, straining the resources of the recipient States and Territories,[5] and have lawfully engaged in occupations as non-immigrant aliens. As a result, Guam's resident alien population is estimated to have increased by about 7,000 since 1986.[6] In order to address the situation the Office of Insular Affairs has made technical assistance grants to Guam and other Compact Territories, with additional funding appropriated to the two island jurisdictions (Guam and the Commonwealth of the Northern Mariana Islands) by the United States Congress.[7]

11. Additional information on the Constitution and the territorial Government is contained in other working papers prepared by the Secretariat. (A/AC.109/2018, paras. 5–13 and A/AC.109/2113 paras. 31–34). Information on more recent developments concerning the Commonwealth status of Guam, is contained in paragraphs 60 and 61 below.

III. Activities related to the withdrawal of military bases

12. According to a 1997 economic report prepared by the Bank of Hawaii, the military downsizing called for by the 1995 base closings and realignment programme has largely been completed. The report characterizes Guam's bases as an important segment of the economy, which, given the Territory's dependence on the unpredictable business of tourism, serve as a counterforce to market swings.[8]

13. Currently, the United States Navy and Air Force jointly maintain bases in Guam, with 7,235 persons in uniform (excluding reservists or National Guard personnel), the majority of whom are naval personnel.[9] With dependants, this number extends to 15,000. There are nearly 5,000 civilian employees and approximately 2,000 retirees. By early 1997, Guam had lost roughly 2,000 civilian jobs since the 1995 national base realignment and closures initiative, which largely affected the Navy. According to a recent estimate, Guam's services-dominated economy requires the creation of 2.5 jobs for each job in the military, in order to generate the same income benefit.[9]

14. In addition to jobs, direct income and benefits, the military contributes to the local economy as a retailer and collector of federal taxes for Guam. In 1996, total military exchange sales amounted to $141.1 million, roughly 8 per cent of the Territory's total retail sales. Since Guamanians do not vote in national United States elections, they are exempt from federal taxes, which are, however, collected from military personnel and other federal workers, who must file federal tax returns with the money reverting to the territorial treasury. In fiscal year 1996, such taxes amounted to $46.2 million.[9]

15. According to press reports,[10] Guam's share of the 1999 military construction budget includes more than $23.4 million in construction funding and $13.1 million for special schools for the children of military personnel. The House Armed Services Committee is currently proceeding with the annual mark-up of the fiscal year 2000 Defense Authorization Bill; it is expected that the National Guard (Guam Army) and the Army Reserve Unit will receive special attention, along with other projects, and will receive an additional $90 million.[11]

16. Meanwhile, the ongoing military downsizing and the slow return of land by the Navy continue to cause concern and debate. On the one hand, they are expected to hurt the economy because of the shortfall in revenue and the loss of jobs, while on the other, a more expedient handover of deteriorating facilities on lands held by the military would expedite land development projects, including a proposed free trade zone and the construction of affordable housing.

IV. Economic conditions

A. General

17. According to the administering Power, the residents of Guam have seen many improvements in the island's standard of living over the last several years. Guam's overall economic success, however, has its less beneficial aspects. Rents and land prices are much higher than in most mainland communities. The inflation rate had been higher than on the mainland, but the newly constituted consumer price index shows recent inflation at near mainland rates.

18. Guam's economy suffered a downturn in 1997 following a Korean Airlines crash, typhoon Paka and the Asian financial crisis, all of which slowed tourist arrivals. Tourist arrivals continued to decline in 1998 as the Asian crisis intensified.

B. Gross island product

19. According to the submission received from the administering Power, Guam's gross island product has been stagnant at about $3 billion since 1992, after an increase of 75 per cent from 1988 to 1992.

C. Employment

20. Total employment declined from 67,032 in 1966 to 66,503 in 1997. Both public and private sectors experienced lower employment, with the private sector at 47,420 and the public sector at 19,083. Public sector employment has been declining for several years owing to military downsizing, while local government employment has remained nearly constant. The unemployment rate remained high, at 8.5 per cent in mid-1997. Total personal income increased slightly in 1996 to $2,264 million, while per capita income showed a slight decline, to $10,512.

D. Tourism

21. The recent growth in visitor arrivals triggered a boom in the building of hotels and other facilities. The 7,052 hotel rooms in Guam, as of 1996, represented an increase of almost 10 per cent from 6,452 in 1995, and 1997 saw a further increase to 7,415. The building boom contributed to a decline in the room occupancy rate from 85 per cent in 1996 to 79 per cent in 1997, and a further decline in 1998. In 1997, the hotel occupancy tax generated $27.6 million for the local government, up from $21 million in 1995.

22. The Asian economic crisis has meant fewer Japanese travellers to Guam during 1998. Japanese tourists comprise 80 per cent of Guam's total visitor market.[12] The Guam Visitor's Bureau anticipates competition from other Asian vacation spots and plans to keep pace with attractive activities and prices. Tourist arrivals in Guam fell dramatically during 1998 according to preliminary statistics from the Guam Visitors Bureau. A total of 72,107 visitors arrived in October 1998, showing a decline of 29 per cent over the same month last year, and 17.6 per cent for the year through October. Occupancy rates were 71 per cent, down 8 per cent.[13]

E. Public finance

23. The Territory's general fund has run deficits during most of the last 10 years, with the shortfall increasing in the period 1992–1994 from $51 million to $184 million annually. By the end of 1996, according to the Guam Finance Commission, the deficit was down to approximately $90 million. Deficits have resulted from a steady rise in government spending at the same time that the tax base has fluctuated with changes in business cycles.[14]

24. According to the report of the United States Bureau of the Census on federal expenditures by state and Territory, direct federal grants to the Government of Guam in fiscal year 1997 amounted to about $125 million. These include major grants from the United States Departments of Education, Health and Human Services and Transportation, among others.

25. Guam's economic recovery has been complicated by Department of Defense cutbacks over the past three years. While the downsizing was expected to continue in 1998, it was likely to be at a more modest rate. As United States defence spending and jobs on the island decline, the private sector has been able to absorb most of these workers.

26. By the end of 1996, the general fund deficit had been reduced to $90 million, and vendors were being paid on time. Autonomous agencies of the Government of Guam, including the Guam Airport Authority and the Guam Power Authority, have issued bonds for capital work in the past several years. Total bond indebtedness of the Government of Guam and autonomous agencies is estimated at about $850 million.

27. The Government of Guam is currently undertaking a Financial Management Modernization Programme with a view to establishing a comprehensive, fully integrated financial management system that will ensure the integrity of information for decision-making and for measuring performance. The Programme, under the leadership of the Guam Finance Commission, was initiated in October 1995. It includes an information technology plan, reform of the budget process, and defining the requirements for a new financial information system, as well as its development and implementation, and the development and implementation of several economic and fiscal analysis models.

28. The Government of Guam is also attempting to improve its audit capability. The Government has established an office of an independent auditor, but it is neither adequately funded nor fully staffed. The Government has yet to develop a sufficient capability to implement fully the requirements of the Single Audit Act. Audit coverage in

Guam, as reported by the administering Power, has been undertaken by the Department of the Interior's Inspector General and by contracted private certified public accounting firms.

F. Infrastructure

Roads

29. The Guam 2010 Highway Master Plan calls for capital investments in the primary roads and highway system estimated to cost $470 million over the next two decades. A large portion of the funding for these highway construction and maintenance projects will come from bond issues backed by fuel taxes and vehicle registration fees that are allocated to the Department of Public Works. The Department of Public Works has recently submitted an application for maintenance assistance funds to hire a consultant to develop a comprehensive highway management system to better manage highway construction and maintenance.

Airport

30. The A. B. Won Pat Guam International Air Terminal and surrounding facilities are administered by the Guam Airport Authority. The airport facilities are first-rate, but the growth in passenger arrivals and cargo warrants increasing the capacity of the facilities. Guam has recently expanded its airport aprons to alleviate the problems of aircraft waiting in the taxiways.

31. The Guam Airport Authority has also tripled the size of the airport with a $253 million new terminal, increasing the number of passenger gates to 17. The facility now handles some 2,000 flights a month. The airport is a regional aviation hub and a base of operations for Continental Micronesia, the regional carrier.

Seaport

32. The Port Authority of Guam administers the commercial port facilities at Apra Harbour. The Port Authority of Guam is a public corporation and an autonomous agency of the Government of Guam. Guam's port is a major trans-shipment centre of the western Pacific and is equipped to move containerized bulk and tuna cargo efficiently. The port has, in recent years, seen an average annual increase of 23 per cent in cargo. The Port Authority of Guam is expanding its container yard and is planning to spend $100 million in reconstruction activities through the year 2005.

Power generation and distribution

33. The Guam Power Authority, an autonomous agency of the Government of Guam, is responsible for providing electricity throughout the island. The tremendous pace of development on Guam has put a strain on existing power facilities. The Guam Power Authority has listed power generating increases of 178 megawatts to be put on line by the end of the decade.

Water system

34. Approximately 74 per cent of the water produced on Guam is provided by the Guam Waterworks Authority. The remainder is produced by the Air Force and Navy installations on Guam. The Government's water sources are groundwater and surface water (Ugum River). The Navy water source is a surface reservoir (Fena Lake) in the southern part of the island. The Guam Waterworks Authority water originates primarily in an aquifer known as the northern lens, which is tapped by 94 active wells. According to the Guam Waterworks Authority well monitoring report, about 26 million gallons per day are currently pumped from the northern lens. The $12 million Ugum River project at the southern end of the island, completed a few years ago, added an additional 1 to 2 million gallons per day of potable water to Guam's daily supply.

35. As a result of the 8 August 1993 earthquake, the Governor ordered a $10 million emergency programme to install generators at approximately 146 facilities, water wells, water booster pumps, sewage pump stations and wastewater treatment plants. This work is currently proceeding under private contract, but it is being administered by the Guam Power Authority, since it will maintain the facilities after completion of the installations. In the aftermath of the earthquake, major water leaks were repaired immediately and a follow-up contract for a leak detection programme for the entire water system is approximately 25 per cent complete. The leak detection programme is being paid for by funds appropriated by the Guam Legislature.

36. Under the Compact Impact of Free Association Act of 1985 (see para. 10), Guam is receiving an annual amount of $4,580,000 from the mandatory covenant funding for capital infrastructure projects as impact aid for Guam. As of August 1997, a total of $1,840,000 had been dedicated to water system improvements. The projects are the Anao Point waterline, the Lupog water project and the Mataguac waterline project.

V. Environment

A. Guam Wildlife Refuge

37. The establishment of the Guam National Wildlife Refuge by the United States Fish and Wildlife Service has been an issue of some contention since 1996. The Refuge is the result of several years of effort by the Department of the Interior to address concerns of Guam leaders and national environmental groups for preservation of several endangered bird species on the island. The Refuge consists of 22,873 acres. About 22,502 acres are an "overlay" jurisdiction on Department of Defense lands, while the remaining 371 acres at Ritidian Point are held directly by the Fish and Wildlife Service.

38. Many Guam leaders, including the current Governor and the delegate to Congress, oppose federal control of the Refuge, and would prefer it to be under local control. These leaders also object to the transfer of 371 acres of land formerly held by the Department of Defense at Ritidian Point to the Department of the Interior as part of the Refuge.

39. In September 1997, after a Guam Superior Court order requiring unfettered access, gates leading to the Guam Wildlife Refuge were vandalized. The matter was moved to the United States District Court, and settlement discussions between the United States and Guam continue.

40. In October 1997, a hearing was held on a bill that would give the Government of Guam a right of first refusal to obtain Federal excess lands on the island. The legislation specifically excludes any lands contained in the Guam Wildlife Refuge.

B. Contaminated soil

41. Nineteen environmentally damaged areas on Guam are to be cleaned by the United States Naval Forces.[15] The Navy continues to test and clean land to be turned over to the Government of Guam by early 2000. About 250 cubic yards of contaminated soil is to be removed from the old ship repair facility site at Apra Harbour by November 1999. Ground water tests will be conducted during the year to detect possible arsenic contamination from reported perforated drainage pipes that leach waste water into Apra Harbour and to determine levels of metal contaminants.[16] The Navy has also stepped up its cleanup plan for the old Agana power plant in Mongmong after preliminary tests showed high levels of contaminants in the soil near the plant. The Navy is testing for polychlorinated biphenyls (PCBs) and dioxin.[17]

C. Coastline and coral reefs

42. Over the last several years, pollution of beaches, coastal waters and coral reefs has raised concerns over the impact on health and tourism. Pollution is suffocating the coral reefs and inhibiting marine life. Sources of contamination include sewage from septic tanks and leaking sewer lines and chemical contaminants from fertilizers and sewage. Pollution of the freshwater lens also puts the drinking water supply at risk. According to press reports, the Guam Environmental Protection Agency officials say that the pollution problems are not widespread, but the pace of development may cause a bigger problem in the future. Various recommendations have been made to the Government of Guam for dealing with the deteriorating environment.

VI. Banking and finance

43. According to the information received from the administering Power, Guam's economic expansion has raised local investment capacity. Guam's newly increased ability to generate capital from local sources will be important in sustaining the island's growth. Bank deposits on Guam have grown steadily, reaching $1.46 billion in 1997. Bank loans also increased to $2.58 billion in 1997. According to Guam's single audit report, the general fund had a surplus of $19.6 million in fiscal year 1996, lowering the accumulated deficit to $74 million. The balance for fiscal year 1997 is not yet available. The general fund received $53.4 million in federal grants in fiscal year 1996.

VII. Land issue

44. Information on the land issue is contained in a previous working paper prepared by the Secretariat (A/AC.109/2086, para. 29). In his statement before the Fourth Committee on 10 October 1997 (see A/C.4/52/SR.6), Robert Underwood, Guam delegate to the United States Congress, stated that the current process concerning the return of surplus federal lands to the Government of Guam in fact allowed federal agencies to bid for those excess lands ahead of Guam.

45. As stated by the Governor in his 1998 state of the island address, the Government is implementing the

Chamorro Land Trust. It has signed over 1,200 Chamorro Land Trust leases, including 244 agricultural leases and over 1,000 residential leases. Thirty-eight families have been licensed to return to their ancestral homesteads and the Government continues to support the landowners on Ritidian Point in their efforts (see paras. 37–40).

VIII. Social conditions

46. Information on social conditions is contained in a previous working paper prepared by the Secretariat (A/AC.109/2086, paras. 30–40).

A. Education

47. Over the past three years, the Government has opened new schools, delivered new school buses and supported the education infrastructure, committing over $150 million to support education.[18]

48. However, Guam elementary school students, it is reported by the media, perform poorly on standardized tests. In the first and fifth grades, Guam students test at about the twenty-seventh percentile in the United States. By the ninth grade, Guam students fall about four percentile points as compared to the United States national average. A report by the National Assessment of Educational Progress on Guam's results indicates absenteeism may be affecting the success of the island's middle-school students.[19]

49. The new Eskuela-ta Reform Act is meant to restructure the island's educational system. The goal is to give more decision-making power to schools, principals, students and parents.[20]

50. Press reports[21] indicate that a new law, the Higher Education Amendments Act of 1998, is expected to have a positive impact on higher education in Guam. The law will allow students from the freely associated States to continue to receive federal Pell Grants at least through the year 2000 and will increase the maximum amount of the grants from $3,000 to $4,500 annually. It will also affect Guam Community College by removing all federal restrictions on the College's deed to 314 acres of excess land, freeing the college to develop the land as a new campus.[21]

51. In March 1999, Congress passed House resolution 800, the Education Flexibility Partnership Act of 1999, known as Ed-Flex. According to Guam's Congressman, this would allow States and Territories to waive some federal regulations and requirements that impede locally driven improvement efforts. In the case of Guam, it would free the school system from some reporting requirements and allow it to conduct its educational business according to its unique needs. It will not bring additional federal education funding to Guam; instead it allows Guam more flexibility to use the federal assistance it receives.

B. Health

52. The Government has made steady progress in putting Guam Memorial Hospital back on a sound financial footing and in making improvements that would lead to its accreditation.

53. About $1.1 million in federal money is expected to go to Guam to offset the costs of health insurance for children without such coverage, according to the office of Guam's Congressman. But the money is not enough to cover the estimated 5,000 children who are eligible for the programme.[22] In March 1999, the federal Government approved Guam's plan to provide such coverage and gave $375,000 to Guam for the purpose under the Children's Health Insurance Programme (CHIP). It is reported that Guam has opted to use its CHIP allocation to expand its Medicaid programme to children receiving services through a Territory-funded programme. The availability of CHIP funds will help the Territory serve more children. The local government will not expand income limits, but instead will expand the number of children served. In Guam, the current income level characterized as needy for a family of four is $17,232 — slightly higher than in the continental United States.

54. Other federal programmes approved by the Health and Human Services include grants to help develop and support shelters for women who are victims of domestic violence.

55. According to press reports,[23] there is scant information on the global HIV/AIDS epidemic in the South Pacific islands owing to poor surveillance and cultural taboos. Data compiled by the secretariat of the Pacific Community shows Guam has 108 HIV cases and 49 cases of AIDS.

C. Crime and drugs

56. It has been reported[24] that Guam's crime rate has declined in the past year, according to new statistics released by the Guam police department. There was a 30 per cent decrease in major crimes reported from January to September 1998 compared to the same period in the previous year. The number of reported offences in the major crime

categories, including murder, rape, robbery, aggravated assault, burglary, larceny, theft, motor vehicle theft and arson, as estimated for the first three quarters of 1998, is 7,036. The police department attributes the drop in crime to the increase in officers on the streets, more neighbourhood patrols and activation of a new highway patrol section. The prevalence of drugs on the island is perhaps the single most significant factor affecting crime rates. The largest crime rate increase in recent years came in 1997. To combat the island's drug problem, the police department continues to run preventive and outreach programmes.

57. Guam's Congressman recently announced that Guam would be one of the 147 jurisdictions to receive federal money to develop a federal drug court programme. The Superior Court of Guam, which has already established a locally funded drug programme, is slated to get $30,000 to support its efforts.

IX. Future status of the Territory

A. Draft Commonwealth Act

58. Guam's quest for Commonwealth status has been through the Commonwealth Act. The Guam Commonwealth bill, which contains the details of the proposed Commonwealth relationship, has been introduced in every Congress since 1988 by the delegate from Guam. In 1992, the proposed change of status received further support from certain sectors of the business community interested in developing Guam as an offshore financial centre under a Commonwealth status, which would then permit new tax laws.

59. Detailed information on the political status referendum of 30 January 1982, and on the draft Commonwealth Act, as well as on the negotiations related thereto between the territorial Government and the administering Power during the period from 1986 to 1994 are contained in previous working papers prepared by the Secretariat (A/AC.109/1192, paras. 19–37 and A/AC.109/2018, paras. 74–83). Additional information for 1995–1997 is contained in a previous working paper prepared by the Secretariat (A/AC.109/2086, paras. 42–44).

B. Position of the administering Power

60. On 20 October 1997, the House Resources Committee held the first hearing since 1989 on House resolution 100, the Guam draft Commonwealth Act. Interior Deputy Secretary Garamendi testified on behalf of the Administration. He clarified the constitutional and policy parameters of what the Administration can and cannot support in Guam's Commonwealth proposal. While noting that the Commonwealth negotiations have resulted in a creative and pragmatic approach towards the United States, Deputy Secretary Garamendi also testified that the Administration could not support certain key concepts underlying the original Commonwealth bill:

(a) Legally binding the Congress or the Executive Branch to seek the consent of the Commonwealth Government before modifying the act creating the Commonwealth of Guam, or before applying any future federal law, regulation or policy to Guam;

(b) Providing for a legally binding, Government-sponsored or endorsed vote on the ultimate political status of Guam, in which only one group may participate to the exclusion of other United States citizens residents of Guam;

(c) Transferring federal control over the adoption and enforcement of immigration and labour policies to the Commonwealth Government;

(d) Creating a joint commission under Guam's control that would have the authority to issue final determinations on the application of federal policies to Guam, or to determine military lands to be transferred to the Commonwealth Government.

C. Position of the territorial Government

61. In a statement for the record submitted by the Guam Commission on Self-Determination to the United States House of Representatives Committee on Resources on 29 October 1997, the Commission defined Guam's process of decolonization in the following way:

> "The Guam Commonwealth Act creates a mechanism whereby the United States Congress would approve of the Constitution of the Commonwealth of Guam, including a provision which recognizes the right of the Chamorro people to select an ultimate political status. The language of the Commonwealth Act characterizes 'Chamorro' as persons (or descendants of persons) who were born in Guam prior to 1 August 1950. It is anticipated that the exercise of Chamorro self-determination would be a one-time vote on an ultimate political status for Guam. Guam's decolonization would result from the implementation of a status selected by the Chamorro people."[25]

62. On 10 October 1997, in their statements before the Special Political and Decolonization Committee (Fourth Committee) (see A/C.4/52/SR.6), the elected representatives of Guam and the representatives of Guam's non-governmental organizations participating in the hearings on decolonization emphasized that Commonwealth status for Guam was an interim measure, as it did not meet the internationally recognized standards for decolonization, nor was it independence, free association or full integration; it would provide a transitional Government that would facilitate the eventual decolonization of Guam.

D. Action by the General Assembly

63. In a statement to the Fourth Committee on the question of Guam (see A/C.4/53/SR.4), the representative of Guam to the United States Congress called on the Committee to give favourable consideration to the stand-alone resolution on Guam and to include language recognizing the role of the Chamorro people in the decolonization of Guam. He recalled that each time the case of Guam had been presented, the United States had decided that its own domestic laws, its own interpretation of democracy and its own view of how to conduct elections superseded that process. He also said that the decolonization of Guam should no doubt include a role for the United States, but the process that had begun in the United Nations should not be dismissed. The people of Guam encouraged the dialogue to continue, but they also needed concrete recognition that their democracy had matured, that their rights should be recognized and that decolonization should be brought to a closure for the indigenous people of Guam.

64. Referring to the Guam Commonwealth Act (ibid.), elected representatives of Guam and the representatives of Guam's non-governmental organizations participating in the hearings on decolonization, emphasized that the administering Power had rejected their proposal for a framework for decolonization and had rejected providing Guam with more autonomy in the meantime. They noted that core issues were land use and immigration. In their view, the administering Power had made no proposals to limit the number of migrants to Guam nor, had it made any effort to return lands to their original owners. Further, representatives indicated that for the implementation of the process of achieving self-determination a plebiscite would be held on Guam's post-colonial status, with the participation of eligible voters residing on the island. The plebiscite was scheduled for 12 December 1999. The registration of eligible Chamorro voters would be carried out by the Guam Election Commission in consultation with the Chamorro Registry Advisory Board. The establishment of a registry of voters was necessary in view of the administering Power's introduction of settlers and immigrants.

65. Petitioners also urged that the Committee adopt the draft resolution before it and continue to consider the question of Guam separately. They noted with satisfaction paragraph 1 of the draft resolution, which called upon the administering Power to cooperate with Guam's Commission on Decolonization for the Implementation and Exercise of the Chamorro Self-Determination in order to facilitate Guam's decolonization.

66. The United States representative (see A/C.4/53/SR.5) supported the right of the people of Guam — all the people of Guam — to seek full self-government if they so desired. The draft resolution on Guam focused on the interests of only one segment of Guam's population: the segment that was related to the Chamorro people. The United States supported the right of all the residents of Guam to express their views on the issue of the Territory's decolonization. It also supported the stable development of all forms of economic activity by all residents of Guam, regardless of how long they had been permanent residents on the island.

67. Further, the representative of the United States said (see A/C.4/53/SR.7) that while his delegation was fully aware that Guam was a Non-Self-Governing Territory that aspired to a clearer definition of its status and perhaps to an eventual decision by the people for independence, it wished to specify that those people themselves had expressed, through their elected representatives, their desire to strengthen their status as a Commonwealth of the United States. He referred to the close ties between Guam and the United States, for evidence of which it was necessary to look no further than the forthcoming visit of the President of the United States to the Territory and a draft resolution that had recently been submitted to the United States Congress by a representative, Mr. Underwood, to commemorate 100 years of friendly relations between Guam and the United States. The resolution in question had been prepared jointly by the people of Guam and the people of the United States, acting through their elected representatives in Congress. He asked the members of the Committee to try to appreciate his delegation's tireless efforts to arrive at a consensus, both on the matter of the consolidated draft resolution and on the question of Guam and the other decolonization issues.

68. On 3 December 1998, the General Assembly, adopted without a vote, resolution 53/67 B, section VI of which concerns Guam.

Notes

[1] The information contained in the present working paper was derived from information submitted by the administering Power under Article 73 *e* of the Charter of the United Nations (April 1999) and published sources, including Internet sites.

[2] United States government information.

[3] Guam Web site "Welcome to Guam".

[4] *World Europa Yearbook 1996*, vol. II.

[5] Pacific Island Development Program/Country Policy Information System, January 1998.

[6] United States submission, April 1999.

[7] Ibid. The representative from Guam, Robert Underwood, questioned figures in the Office of Insular Affairs report, putting the number of Compact migrants in Guam at 8,000 (Pacific Island Development Program/Country Policy Information System, January 1998).

[8] Ibid., p. 9.

[9] In 1993–1994, total uniformed personnel strength on Guam was almost 11,500 persons (see *Guam economic report*, September 1997, p. 18).

[10] *Pacific Daily News*, 24 September 1998.

[11] Press release, Congressman Underwood, 12 May 1999.

[12] *Pacific Daily News*, 12 July 1998.

[13] Ibid., 14 November 1998.

[14] See pie-chart in *Guam Economic Report*, September 1997, p. 18.

[15] *Pacific Daily News*, 30 July 1998.

[16] Ibid., 26 August 1998.

[17] Ibid., 19 December 1998.

[18] The Governor's state of the island address, 1998.

[19] *Pacific Daily News*, 8 May 1998.

[20] Ibid., 17 May 1998.

[21] Ibid., 9 October 1998.

[22] Ibid., 21 October 1998.

[23] *Agence france presse*, 24 February 1999.

[24] *Pacific Daily News*, 3 November 1998.

[25] Statement for the record, Guam Commission on Self-Determination, House Resources Committee (105th Congress) Hearing on H.R. 100, the Draft Commonwealth Act, 29 October 1997, p. 11. (Copy was provided to the Secretariat by the Guam Commission on Self-Determination in May 1998.)